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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,523	05/08/2006	Joachim Gericke	2003P16149	5140
24131 7590 02/07/2008 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER FISHMAN, MARINA	
			ART UNIT 2832	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/578,523

Applicant(s)

GERICKE ET AL.

Examiner

MARINA FISHMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/26/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 - 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 - 15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *General status*

1. This is a First Action on the Merits. Claims 9 – 15 and 17 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 - 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenemann et al. [US 6,211,478] in view of B.G. Tremblay [US 2,504,906]

Schoenemann et al. disclose a switching device, comprising:

- a first and a second arcing contact piece [11, 14], lying axially opposite one another [Figure 1];
- a first and a second rated current contact piece [6, 8], disposed coaxially with respect to the arcing contact pieces, at least one of the rated current contact pieces [6, 8] having a hollow-cylindrical basic body [Figure 1] with a front at an end facing a switching path of the switching device;
- an arc-resistant material [36, 37, 38] covering the front, and
- contact making points [tips of 33, Figures 3a, 3b] disposed between the first and second rated current contact pieces [6, 8] and lying

axially in a region of the arc-resistant material in a switched-on state of the switching device,

- the arc resistant material [36] making initial contact with the contact making points and also making contact with the contact making points in the switched-on state of the switching device [Figures 3b, 3c].

Regarding Claim 9, Schoenemann et al. disclose the instant claimed invention except for the arc-resistant material having an electroplating surface. B.G. Tremblay discloses an electric contact member [10, 12, 14] wherein the member [14] was subject to electroplating [Column 4, lines 57 – 70]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the arc-resistant material with an electroplating surface in Schoenemann et al., in order to provide corrosion resistance [Column 4, lines 32 – 37] and improve contact performance characteristics. Regarding Claim 10 the arc-resistant material is fixed to the hollow-cylindrical body in a form of a ring [34, Column 5, line 24]. Regarding Claim 11, the ring, has a wall thickness smaller at the further end, facing away from the switching path [wall has thickness of element 3] than at the end facing the switching path (element 34, plus shoulder, Figure 3b). Regarding Claim 15, fixing device [only shoulder shown, Figure 3b] in the area of increased wall thickness. Regarding Claims 12 -14 and 17, Schoenemann et al. disclose insulating bodies, a nozzle [12] and an element [5], and in Figure 4a and 5a, Schoenemann et al. disclose bolt connection extending axially between the housing part and contact-carrying element [41, 39, 40, 15, 9], however

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Schoenemann et al. do not disclose the detail of connections between the insulating bodies and the housing or partitions, and pressure element (pressure washer) between the bolt and the connecting parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use axially extending bolt with pressure element/washer in embodiment of Figure 1 of Schoenemann et al. to connect insulating bodies [5, 12] with contact carrying elements [9, 23], so as to fix the two parts in a vibration proof manner [pressure washers are known to be used for retaining connection between two parts in vibration proof environment].

### ***Response to Arguments***

4. Applicant's arguments filed 12/26/2007 have been fully considered but they are not persuasive. Regarding Schoenemann reference, the Applicant has argued that the silver coated layer 38 does not extend on the arc-resistant material 37 but above the latter on the rated current contact piece 34. The Examiner respectfully disagrees and wishes to point out that Claim 9 recites "at **least one** of the rated current contact pieces having a hollow cylindrical basic body with a front... an arc resistant material ..., said arc-resistant material having an electroplating", so the claim is satisfied if only one contact has arc-resistant material at the front. Schoenemann reference, in Figures 3b, 3c, discloses one of the contact 35 having arc-resistant material 36, which has extended region and the second contact 34 will be axially lying in that region in a switched-on state. It should be noted that (1) Schoenemann, uses contact tips 27, 29 for arc contacts to be coated with arc-resistant material, and the arc-resistant materials of these contacts stays in touch with each other in the switched on state and therefore, it

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would be obvious to apply the same teaching to the rated current contacts and (2) Tremblay does teach use of entire contact length [14] to be made of an arc-resistant material and plate it with silver, and it would be obvious to use the use arc-resistant contact in Schoenemann, the entire contact length, and plate with silver.

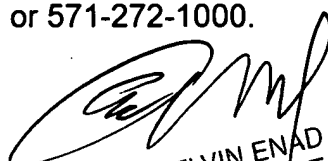
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA FISHMAN whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marina Fishman  
January 28, 2008

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
02/01/08